



**PROPOSED
CITY CHARTER
CITY OF VALDEZ**

**Prepared by
Charter Commission
December 1, 1960**

P R E A M B L E

WE, the People of the City of Valdez, of the State of Alaska, grateful to God for the freedoms we enjoy, deeply conscious of the responsibilities and self-discipline they entail, and desirous of continuing the privilege of self-government under the Home Rule provisions of the Constitution of the State of Alaska, do ordain and establish this Home Rule Charter for the City of Valdez.

CHAPTER I

GENERAL PROVISIONS

CONTINUATION OF EXISTING CORPORATION

Section 1.1. The City of Valdez shall continue as a municipal corporation under the name: "The City of Valdez."

FORM OF GOVERNMENT

Section 1.2. The government of the city shall be that commonly known and designated as the Mayor-Council form.

BOUNDARIES

Section 1.3. The boundaries of the city shall be the boundaries as established and on file in the records of the Clerk at the time this charter becomes effective or as such boundaries may be changed thereafter in the manner authorized by law.

POWERS OF THE CITY

Section 1.4. In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to the provisions of the state constitution.

Section 1.5. The city may exercise all powers not prohibited by law or by this charter.

DEFINITIONS AND CONSTRUCTION

Section 1.6. Except as otherwise specifically defined herein or indicated by the context, words used in this charter shall have their ordinary dictionary meanings.

(a) "Board" includes the word "Commissioner."

(b) "Capital improvement" means a public improvement of a permanent nature.

(c) "City" means the City of Valdez.

(d) "Code" means the Code of Ordinances of the City of Valdez, including all amendments and additions.

(e) "Council" means the City Council of the City of Valdez.

(f) "Elector" means a qualified elector, as defined in Article V of the Alaska Constitution, who is registered as required by the Code.

(g) "By law" as used in this charter denotes applicable federal law, the Constitution and statutes of Alaska, the applicable common law, and this charter.

(h) "Local improvement" means public improvement specially beneficial to the property affected, and the abatement of such unsafe, unsightly, unhealthful, or unsanitary conditions as the Council shall determine to be a public nuisance.

(i) "Person" extends and applies to bodies politic and corporate, and to partnerships and associations as well as to individuals.

(j) "Public improvement" means improvements to or in connection with the streets, sidewalks, parks, playgrounds, buildings, sewer systems, water systems, harbor facilities, and any other real property or appurtenances thereof of the city used by the public.

(k) "Public utility" includes all common carriers in the public streets, water, sewage disposal, electric light, central heating, gas, electric power, telephone and telegraph lines and systems, garbage collections, garbage disposal and reduction plants, docks, and such other and different enterprises as the law or the Council may determine to be or designate as public utilities.

(l) "Publish" or "published" includes the setting forth of any matter for public notice in the manner provided by law, or, where there is no applicable law, publishing at least once in one or more newspapers of the city qualified by law for the publication of legal notices and posting on the Official City Bulletin Board designated as such by the City Council.

(m) "Sign" or "signature" includes the facsimile of a signature when authorized by the Council.

(n) All words indicating the present tense are not limited to the time of the adoption of this charter, but may be extended to and include the time an event or requirement occurs to which any provision is applied.

(o) The singular includes the plural, the plural includes the singular, and the masculine gender extends to and includes the feminine gender and the neuter.

(p) "Shall" is mandatory, "May" is permissive.

(q) "Emergency" means a situation in which exists a necessity to preserve public peace, health or safety.

RECORDS TO BE PUBLIC

Section 1.7. All records relating to the general governmental affairs of the city shall be public records unless otherwise provided by law. They shall be kept in city offices, except when required for official reasons or for purposes of safekeeping to be kept elsewhere. They shall be available at city offices for inspection, copying, or reproduction at reasonable times. Such records, or copies duly certified by the Clerk, shall be prima facie evidence of their contents.

QUORUM

Section 1.8. A quorum of any board created by or under authority of this charter shall, unless otherwise provided, consist of a majority of the number of its members.

SUNDAYS AND HOLIDAYS

Section 1.9. Except as otherwise provided in this charter whenever the date fixed by law or ordinance for the doing or completion of any act falls on a Saturday, Sunday, or legal holiday, such act shall be done or completed on the next succeeding business day.

PENALTIES FOR VIOLATIONS

Section 1.10. Violations of this charter, the code, or any ordinance of the city may be punished by a fine which shall not exceed Three Hundred Dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

NOTICE TO CITY OF CLAIM FOR INJURIES

Section 1.11.

(a) The city shall not be liable in damages for injury to person or property by reason of negligence of the city, unless, within one hundred twenty days after such injury occurs, the person damaged or his representative causes a written notice to be served upon an officer of the city upon whom process may be served by law. Such notice shall state that such person intends to hold the city liable for such damages and shall set forth substantially the time and place of the injury, the manner in which it occurred, the nature of the act or defect complained of, the extent of the injury so far as known, and the names and addresses of witnesses known to the claimant.

(b) No person shall bring action against the city for damages to person or property arising out of any of the reasons or circumstances aforesaid, unless such action is brought within the period prescribed by law, nor unless he has first presented to the Clerk a claim in writing and under oath, setting forth specifically the nature and extent of the injury and the amount of damages claimed. The Clerk shall refer such claim to the Council for action at the next regular meeting.

(c) Failure to give notice of injury or present a claim within the time and in the manner provided shall bar any action upon such claim.

(d) This section shall not be deemed to waive any defense of immunity which the city may have from claims for damages arising out of negligence, but shall apply in all cases where such defense is not available to the city.

CHAPTER AND SECTION HEADINGS

Section 1.12. The chapter and section headings used in this charter shall not be considered a part of the charter for the purpose of judicial construction or otherwise.

SEVERABILITY OF CHARTER PROVISIONS

Section 1.13. If any portion of this charter is held to be invalid, such invalidity shall not affect the remainder of the charter; and to that end, this charter is declared to be severable.

CHAPTER II

OFFICERS

CITY OFFICERS

Section 2.1.

- (a) The elective officers of the city are the seven Councilmen.
- (b) The appointive officers of the city are the City Clerk, and the City Attorney.
- (c) The administration officers are all officers of the city other than elective officers and appointive officers.

ELIGIBILITY FOR ELECTIVE CITY OFFICE

Section 2.2.

- (a) To be eligible to file a nominating petition for election to a city office, a person shall be an elector of the city and shall have been a resident of the city or of territory annexed to the city, or shall have had a combination of residence in the city and in the annexed territory for a

period of not less than one year preceding the date of the filing of such petition.

(b) A person appointed to fill a vacancy in an elective office must have such qualifications at the time of his appointment.

(c) The Council shall be the judge of the election and of the qualifications of its members.

PERSONS INELIGIBLE FOR CITY OFFICE OR EMPLOYMENT

Section 2.3. A person who holds or has held an elective city office shall not be eligible for appointment to an office or for employment for which a salary is paid by the city until one year has elapsed following the term for which he was elected or appointed. An exception may be made with the approval of four or more members of the Council.

NOTICE OF ELECTION OR APPOINTMENT

Section 2.4. The City Clerk shall mail to each person elected or appointed, a certificate of election or appointment within five days from the time of election or appointment.

COMPENSATION OF OFFICERS

Section 2.5. The compensation for the service of each city officer and employee shall be the amount fixed by the council.

Section 2.6. The compensation of the mayor and councilmen shall be determined by ordinance. No increase in the compensation of the mayor and councilmen shall take effect until the council meeting following the first general city election after the increase is ordered.

OATH OF OFFICE

Section 2.7. Every officer of the city before entering upon his duties shall take the oath or affirmation required by Section 5 of Article XII, Constitution of the State of Alaska. The Council may require designated employees to take such oath before entering upon their employment. Oaths of office shall be filed with the City Clerk.

SURETY BONDS

Section 2.8. In order to protect the city and the public, the Council may require appropriate surety bonds of officers and employees. The premium of such bonds shall be paid by the City.

GIVING OF SURETY BY OFFICERS AND EMPLOYEES FORBIDDEN

Section 2.9. No officer or employee shall give or furnish any bail, bond, or recognizance, nor shall he be the agent of any bondsman in connection with any bond which may be required by law or by the Council.

VACANCIES IN OFFICE

Section 2.10.

(a) A city office shall become vacant upon the occurrence of any of the following:

- (1) the expiration of the term of office;
- (2) the death of the incumbent;
- (3) a resignation when approved by the Council;
- (4) a removal from office in the manner provided by law;
- (5) ceasing to possess at any time the qualifications or eligibility required by this charter for election or appointment to office;
- (6) final conviction of a felony involving moral turpitude, or an offense involving a violation of an oath of office;
- (7) a judicial determination that the incumbent is of unsound mind;
- (8) a decision of a competent tribunal declaring the election or appointment of the incumbent void;
- (9) failure to take the oath or make the affirmation, or file the bond required for the office within ten days from the date of election or appointment or within such other time, not exceeding twenty days thereafter, as the Council may fix;
- (10) any other event which, by law, creates a vacancy.

(b) The Council shall provide in the code for creating vacancies in elective offices because of failure to perform the duties of office. Such provision shall be self-executing.

RESIGNATIONS

Section 2.11. Resignations of officers shall be made in writing and filed with the City Clerk, who shall immediately notify the proper officials concerned.

REMOVAL FROM OFFICE

Section 2.12.

(a) The Council may remove, by an affirmative vote of at least four members, the City Clerk, the City Attorney, and members of boards, regardless of term of office. The person so removed from office shall have the right to a public hearing before the Council concerning the cause for his removal.

(b) City employees shall be protected from arbitrary discharge by code provision.

RECALL

Section 2.13. An elective officer may be recalled. The vacancy thereby created shall be filled in the manner prescribed by law.

FILLING VACANCIES

Section 2.14.

(a) If a vacancy occurs in an elective office, except in the case of recall, the Council shall fill the vacancy by appointment within thirty days thereafter. If the vacancy occurs less than twenty-four hours prior to the last date and time set for filing nominating petitions for offices to be filled at the next regular meeting of the Council next following such regular city election, it shall not be filled until the first regular meeting of the Council next following such regular city election. Each such appointment shall be for a term ending at the next regular Council meeting following the next regular city election.

(b) If a vacancy occurs in an appointive office, such vacancy shall be filled within forty-five days thereafter in the manner provided for making the original appointment. Such time may be extended, for not more than an additional ninety days, by Council resolution setting forth the reasons therefor.

DELIVERY OF OFFICE TO SUCCESSOR

Section 2.15. Whenever an officer or employee leaves an office or employment for any reason, he shall deliver forthwith to his successor in the office or to the Mayor, all property of the city such as books, working papers, moneys and effects, which are in his custody, possession, or control.

CHAPTER III

THE CITY COUNCIL

THE CITY COUNCIL

Section 3.1. The elective offices of the City shall consist of seven Councilmen. Each Councilman shall be elected from the city at large. The term of office of each Councilman shall be for two years and shall commence on the next regular Council meeting following his election. The Council shall exercise all of the legislative and policy-making powers of the city and shall provide for the performance of all duties and obligations imposed upon the city by law.

Section 3.1.1. The City Council shall designate and maintain an Official Bulletin Board, appropriately identified and centrally located.

TERMS OF OFFICE

Section 3.2. The terms of three Councilmen shall expire in even years, and of the remaining four in odd years, counting from January 1961. When appointments are made to fill vacancies in the manner provided by Section 2.14.(a) of this charter, appointees shall qualify for and assume the duties of office within ten days after appointment, unless such time be extended for not more than sixty days by the Council.

ORGANIZATION OF THE COUNCIL

Section 3.3. The Council shall meet and organize at the first regular meeting following each regular city election. At such meeting the Council shall elect from its membership a Mayor and do such other acts as may be required for its organization and the conduct of its business. The council shall also elect a Mayor Pro Tempore who shall act as Mayor during the absence or disability of the Mayor and if a vacancy occur shall become Mayor for the completion of the unexpired term. The Council shall provide in the code for the prompt and temporary reconstitution of the Council in the event that its membership is reduced to less than a quorum.

THE MAYOR

Section 3.4.

(a) The Mayor shall possess all powers and shall exercise all duties provided or required of him by law or by the Council.

(b) He shall be the presiding officer of the Council.

(c) He shall be a member of the Council with all the powers and duties of that office.

(d) He shall advise the Council concerning the affairs of the city and make recommendations thereon.

(e) In emergencies, he shall have the powers conferred by law upon peace officers and shall exercise such powers as chief executive officer to prevent disorder, to preserve the public peace and health, and to provide for the safety of persons and property.

(f) He shall make all required appointments subject to prior approval of the Council.

(g) He shall not possess the veto power.

(h) He shall have a voice and vote in all the Council's proceedings. He shall be the official head of the City for all ceremonial purposes. He shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with his office. He shall serve in such capacity at the pleasure of the City Council.

THE MAYOR PRO TEMPORE

Section 3.5. The Mayor pro tempore shall succeed to the office of Mayor when a vacancy occurs in that office. He shall have and exercise the powers and duties of the Mayor when the Mayor is absent or unable to perform the duties of his office. When a doubt exists concerning the ability of the Mayor to perform the duties of his office, the Council shall, by resolution, determine whether the Mayor pro tempore shall act in the place of the Mayor. Such determination shall stand until the Council determines that such disability or inability ceases.

MEETINGS OF THE COUNCIL

Section 3.6.

(a) The Council shall meet in the established Council Chambers or in such other place as may be established in the code, and shall hold at least

two regular meetings in each month. In the selection of its meeting place, consideration shall be given to the reasonable accommodation of the public.

(b) Special meetings of the Council shall be held at the regular meeting place of the Council. Special meetings shall be called by the City Clerk on the written request of the Mayor, or of any two members of the Council.

(c) At least six hours written notice shall be given designating the time and purpose of a special meeting. Such notice shall be served personally on each member of the Council or left at his usual place of residence or business by the City Clerk or by someone designated by him. A copy of such notice shall also be delivered at the place of business of each newspaper printed and published in the city, but this requirement shall not be jurisdictional to the holding of any such meeting; also, three copies of such notice shall be posted in public places, one of these being on the official bulletin board as designated by the Council.

(d) An affidavit of service of any notice required by this section shall be made a part of the journal of a special meeting.

(e) No business shall be transacted at any special meeting of the Council except that stated in the notice of the meeting.

(f) All regular and special meetings of the Council shall be public meetings and the public shall have a reasonable opportunity to be heard.

(g) The Council may, after its agenda is otherwise completed, recess for the purpose of discussing, in a closed or executive session, any question permitted by law which is expressed in the motion calling for the executive session. The public may be excluded from the session, but final action shall not be taken by the Council or any matter discussed in executive session until the matter is placed on the agenda.

(h) Four members of the Council shall be a quorum for the transaction of business. In the absence of a quorum, any number less than a quorum may adjourn a meeting to a later date.

(i) The Council shall determine its own rules and order of business and shall keep a journal of all its proceedings. The journal of each meeting of the Council shall be signed by the Clerk and counter-signed by the Mayor. The vote upon all matters considered by the Council shall be taken by "Yes" or "No" votes which shall be entered upon record, except that, where the vote is unanimous, it shall be necessary only so to state.

(j) The Council may compel attendance at its meetings of any officers or employees of the city. It may punish for non-attendance in such manner as it may prescribe in the code.

(k) No member of the Council may vote on any question upon which he has a substantial direct or indirect financial interest. Otherwise, each member of the Council shall vote on each question before the Council for determination, unless excused therefrom by the affirmative vote of all remaining members able to vote on the question. If a question is raised under this section at any Council meeting, such question shall be determined before the main question shall be voted on, but the Council members affected may not vote on such determination.

(l) The affirmative vote of a majority of the entire Council shall be necessary to adopt any ordinance, resolution or motion.

(m) Any and all official City business shall be conducted at a regular or special meeting held in the usual place designated for such meetings.

POWERS OF THE COUNCIL TO APPOINT CITIZEN BOARDS

Section 3.7.

(a) The Council may establish by ordinance, boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter.

(b) There shall be a city planning and zoning commission which shall consist of five members, who shall be appointed by the council. The City Council shall serve as ex officio members of the commission. The commission shall elect its chairman from among the appointive members.

(c) The term of the appointive members shall be five years, except that, of the five members first appointed, one shall be appointed for a term of one year, one for two years, one for three years and one for four years. Any vacancy during the unexpired term of an appointive member shall be filled by the council for the remainder of the term.

(d) The city planning and zoning commission shall have the authority to prepare and submit to the council for its approval a master plan for the physical development of the city, including the general location, character and extent of streets, bridges, parks, waterways, and other public ways, grounds and spaces, together with the general location of public buildings and other public property, public utilities, and the extent and location of any public housing or slum clearance projects. The commission shall recommend such modifications of said plan, from time to time, as it deems in the city's interest.

It shall prepare and recommend to the council a comprehensive zoning ordinance, or propose amendments or revisions thereof, with such provisions as the commission shall deem necessary or desirable for the promotion of the health, safety, morals and general welfare of the inhabitants of the city, and shall exercise such functions with respect to land subdivisions, planning, and zoning as may be prescribed by ordinance not inconsistent with the provisions of this Charter.

CHAPTER IV

CITY LEGISLATION

INTRODUCTION, CONSIDERATION, STYLE, AND RECORDING OF CODE PROVISIONS

Section 4.1.

(a) Each proposed code provision introduced by the Council in written form shall contain the enacting clause "Be it ordained by the Council of the City of Valdez" and all ordinances proposed by the voters under their power of initiative, "Be it ordained by the People of the City of Valdez".

(b) No code provision shall be introduced and passed at the same meeting unless an emergency is declared by an affirmative vote of not less than six members of the Council.

(c) Each code provision shall be recorded by the City Clerk.

(d) The City Attorney shall enter and identify in the Code all code provisions adopted by the Council. Such entry shall be prima facie evidence of the due and proper adoption of all code provisions.

(e) The Mayor shall verify each code provision and authenticate it on the record by his signature.

(f) All official proceedings of the city may be placed in evidence in all courts and tribunals by a copy thereof certified as true by the City Clerk, under the seal of the city, in addition to other methods provided or permitted by law.

PUBLICATION OF CODE PROVISIONS

Section 4.2. Each code provision shall be published in the manner provided by this Charter.

EFFECTIVE DATE OF TAXATION CODE PROVISIONS

Section 4.3. No code provision which provides for or establishes a tax shall become effective for at least thirty days after adoption by the Council.

TIME LIMIT FOR PROSECUTION OF CHARTER OR CODE VIOLATIONS

Section 4.4. No prosecution for the violation of this charter or of the code shall be commenced after the expiration of two years following commission of the offense, unless the accused has fled or remained beyond the boundaries of the city. The period of time during which the accused remains outside the municipal boundaries shall not be counted.

DUE PROCESS TO BE ACCORDED

Section 4.5. All proceedings relative to the arrest, custody, and trial of persons accused of any violation of this charter or of the code shall be conducted so as to accord due process of law to the accused.

INITIATIVE AND REFERENDUM

Section 4.6. A code provision may be initiated or a referendum may be had on any act of the Council in the manner and subject to the limitations set forth by law.

CODE PROVISIONS ADOPTED BY THE INITIATIVE

Section 4.7.

(a) A code provision adopted by the initiative procedure may not be amended or repealed by the Council for a period of two years after the date of the election at which it was adopted.

(b) Should two or more code provisions adopted at the same election have conflicting provisions, the one receiving the largest affirmative vote shall prevail.

COUNCIL ACTION

Section 4.8. The filing with the Mayor of a sufficient referendary petition within thirty days after the passage of the act of the Council to which such petition refers shall automatically suspend the operation thereof, pending repeal by the Council or final determination by the electors.

BUILDING AND ZONING REGULATIONS

Section 4.9. To provide for the health, safety, and welfare of citizens within the city, the Council shall provide for comprehensive building and zoning regulations.

ABATEMENT OF NUISANCES

Section 4.10. The Council shall provide in the code for the declaration and abatement of nuisances which may be offensive or tend to endanger the health and welfare of the public, and for the assessment of the cost thereof against the property upon, or in respect of which the nuisance exists.

PORT AND HARBOR JURISDICTION

Section 4.11. The Council shall regulate the use and development of all waters and submerged lands which are subject to the jurisdiction of the city.

OTHER MUNICIPAL SERVICES

Section 4.12. The Council shall provide for the furnishing of such municipal services as it deems necessary for the protection of the health, safety, welfare, and morals of the public. When the interests of the city so require, the Council may authorize plans or agreements for reimbursing the city in consideration of furnishing any of such services to tax-exempt

persons or agencies, whether private or governmental.

CHAPTER V

THE ADMINISTRATIVE SERVICE

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THE ADMINISTRATIVE SERVICE

THE COUNCIL TO PROVIDE FOR THE CITY ADMINISTRATION

Section 5.1. The Council shall provide in the code for the organization of the administrative offices and departments of the city and shall prescribe their duties and functions.

EMERGENCY ADMINISTRATION

Section 5.2. In order to assure continuity of city services and administration in periods of emergency resulting from war or disaster, the Council shall provide in the code for the prompt and temporary succession to the powers and duties of administrative officers and departments when such officers and departments are unable to carry on their respective powers and duties.

ADMINISTRATIVE OFFICERS AND EMPLOYEES-- APPOINTMENT, TERMS AND COMPENSATION

Section 5.3

(a) The City Clerk and the City Attorney shall be appointed by the Council. They shall hold office for indefinite terms at the pleasure of the Council.

(b) Members of city boards shall serve for the terms provided by law.

(c) The Council shall provide in the code for the employment of city personnel on the basis of merit and fitness.

(d) There shall be no discrimination on the grounds of race, color, religion, or national origin in the selection, discharge, and fixing the terms and conditions of employment of city personnel.

CITY CLERK

Section 5.4.

(a) The City Clerk, or his authorized representative shall be clerk of the Council. He shall attend all meetings of the Council and shall keep a record of its proceedings.

(b) He shall record and certify all actions of the Council.

(c) He shall have power to administer all oaths required by law.

(d) He shall be custodian of the city seal and the official records of the city.

(e) He shall give to the proper officials ample notice of the expiration or termination of any term of office and when necessary, the conditions or requirements of all bonds, franchises, contracts, or agreements.

(f) He shall be the registrar of the city and shall be responsible for the calling and supervision of all city elections, unless otherwise provided by law.

(g) He shall perform such other duties in connection with his office as may be required of him by law or by the Council.

CITY ATTORNEY

Section 5.5.

(a) The City Attorney shall act as the legal advisor of and be responsible to the Council. He shall advise the City Clerk concerning legal problems affecting the city administration.

(b) He shall perform such other duties as may be prescribed by the Council.

CITY FISCAL AGENT

Section 5.6. The Council shall provide in the code for the collection, receipt, and custody of taxes, moneys, and things of value belonging to the city and for an administrative officer who shall be responsible therefor.

EMPLOYEE BENEFIT PLANS

Section 5.7. Any benefit plans provided for officers and employees by the Council shall be actuarially sound. Membership in any retirement system which may be adopted by the city shall constitute a contractual relationship. Accrued benefits of any retirement system shall not be diminished or impaired.

CHAPTER VI

BUDGET PROCEDURE AND GENERAL FINANCE PROVISIONS

FISCAL YEAR

Section 6.1. The fiscal year of the city shall be as established by the Council, unless otherwise provided by law.

BUDGET STATEMENT OF CITY

Section 6.2. During or prior to the sixth week preceding the first day of the fiscal year, a budget proposal for the next fiscal year of the

city shall be prepared. Such budget proposal shall set forth the recommendations for and an analysis of the anticipated income and expenditures of the city during the next fiscal year, together with comparative figures showing the estimated corresponding amounts for the current year and comparisons with the previous year. The proposed expenditures set forth in the budget proposal shall not exceed the expected revenues of the City. Unencumbered funds remaining at the end of the current fiscal year may be reallocated for the purposes set forth in the budget proposal.

BUDGET ADOPTION PROCEDURE

Section 6.3.

(a) The budget proposal shall be reviewed by the Council and shall be available for public inspection in the office of the City Clerk.

(b) The Council shall direct that a public hearing on the budget proposal be held not less than one week before its final adoption. A notice of the public hearing shall be published at least one week prior to the date of hearing.

(c) At a regular meeting held not less than ten days prior to the end of the fiscal year, the Council shall, by resolution, adopt a budget for the following year, the Council shall, by resolution, adopt a budget for the following fiscal year and make an appropriation of the money needed therefor.

(d) If the Council does not adopt a budget prior to the third day preceding the commencement of the next fiscal year, the budget proposal shall become an appropriation and the budget for the fiscal year without further Council action.

BUDGET CONTROL

Section 6.4.

(a) Unencumbered appropriation balances may be transferred within a department by the Council at any time on its own initiative; the Council may transfer unencumbered balances from one office, department, or agency to another.

(b) There shall be submitted periodically to the Council information comparing estimated and actual revenues and expenditures to the end of the preceding month.

WITHDRAWAL OF FUNDS

Section 6.5.

(a) All funds drawn from the treasury shall be drawn pursuant to the authority and appropriation of the Council.

(b) The Council shall prescribe the method for the disbursement of city funds.

INDEPENDENT AUDIT

Section 6.6 An independent audit shall be made of all accounts of the city at least annually and more frequently if deemed necessary by the Council. The annual audit shall be made by a certified public accountant firm employed by the Council and shall be completed within ninety days following the close of the fiscal year. An analysis of the audit shall be published by the Council.

CHAPTER VII

TAXATION

TAXATION BY ORDINANCE

Section 7.1. The Council shall provide in the code for the annual assessment, levy, and collection of city taxes.

EXEMPTIONS

Section 7.2. The power of taxation shall never be surrendered. No exemptions from taxation shall be allowed, except such as are expressly provided by law. Private leaseholds, contracts, or interests in land or property owned or held by the United States, the State, or its political sub-divisions, shall be taxable to the extent of the interests.

ASSESSMENT DAY

Section 7.3. The taxable status of property shall be determined as of the first day of January, or such other date as may subsequently be required by law, which shall be the assessment day. Values on the assessment roll shall be determined according to the facts existing on the assessment day for the year for which the assessment roll is made, and no change of the status of any property after that day shall be considered by the Council when acting as a board of equalization. Standards of appraisal shall be followed by the Council when established as a board of equalization.

Standards of appraisal shall be followed by the Council when established by law.

SECURITY FOR TAXES ON REAL PROPERTY

Section 7.4. The city shall have a first lien upon all real property against which taxes are assessed for the taxes and any collection charges, penalties, and interest which may accumulate thereto, which lien shall continue until the taxes are paid.

PROTECTION OF CITY'S REAL PROPERTY TAX LIENS

Section 7.5. The city may protect its lien for taxes upon real property by sale at tax sale, or by purchasing the real property at any tax sale or other public sale, or by direct negotiation with the owner. Any such procedure shall be deemed to be for a public purpose. When the city has acquired an interest in real property to protect a tax lien thereon, the owner of any interest in such real property may redeem the same by paying the delinquent city taxes and all accrued charges, penalties, and interest thereon. After the city has held any tax delinquent real property for one year, it may hold the same for public use or sell it at public auction to the highest bidder.

SECURITY FOR TAXES ON PERSONAL PROPERTY

Section 7.6. City taxes on personal property shall be a debt to the city from the persons to whom they are assessed. If any person to whom such taxes are assessed fails or refuses to pay the taxes, or if the collecting officer reasonably believes that any person will not pay such taxes, the taxes and accrued charges, penalties and interest may be collected by a personal action in the name of the city against the person to whom assessed in a court of competent jurisdiction, or by distraint and sale of any personal property of the person assessed. Neither of the remedies herein given shall be exclusive of the other at any time.

CHAPTER VIII

SPECIAL ASSESSMENTS AND PUBLIC IMPROVEMENTS

GENERAL POWER RELATIVE TO SPECIAL ASSESSMENTS AND PUBLIC IMPROVEMENTS

Section 8.1.

(a) The Council shall have the power to make public improvements, including local improvements, within the city and, to the extent permitted by law, outside the city. The Council may determine the necessity for any

public improvement, and may determine that the whole or any part of the cost thereof, including the cost of plans, specifications, administration, engineering, architectural, and legal expenses, and of the acquisition of property in connection therewith, shall be levied by special assessments upon the property specially benefited thereby. When more than one lot or parcel of land is to be specially benefited, the project shall be considered as a special assessment district.

(b) Any special assessment for local improvements against property benefited shall be in proportion to, and shall not exceed, the value of the benefit received from the local improvements. The Council shall establish the method of apportioning such benefits.

(c) If protests as to the necessity of a local improvement are made by the owners of property which will bear fifty percent or more of the estimated cost of the improvement, the public improvement shall not proceed until the objections have been reduced to less than fifty percent, except upon the approval of at least five members of the Council.

DETAILED PROCEDURE TO BE FIXED IN THE CODE

Section 8.2. The procedure for local improvements may be commenced by the Council either on its own initiative or upon receipt of a petition in the manner provided in the code. The Council shall prescribe in the code the complete special assessment procedure for local improvements and for agreements for furnishing capital improvements and the extension thereof in lieu of assessment. For local improvements, such code provision shall include and require the following:

- (1) the procedure for filing petitions for local improvements;
- (2) a survey and report concerning the need for, desirable extent of, and estimated cost of each proposed local improvement;
- (3) a public hearing by the Council on the necessity for the local improvement;
- (4) a resolution of the Council determining to proceed or not to proceed with the proposed local improvement;
- (5) a public hearing by the Council on the special assessment roll for the local improvement;
- (6) publication of notice of each hearing required by this section in a newspaper published within the city and by first class mail to persons whose names appear on the current assessment roll as owners of real property

within the special assessment district;

(7) a resolution confirming the special assessment roll for the local improvement.

EXPENDITURES BEFORE FUNDS FOR IMPROVEMENT ARE AVAILABLE

Section 8.3. No expenditures, other than for administrative, engineering, and legal work for any local improvement, the cost of which is to be borne by special assessments on the property benefited, shall be made unless the cash is on hand or bonds have been authorized to finance the cost thereof.

CORRECTION OF INVALID SPECIAL ASSESSMENTS

Section 8.4. If any special assessment procedure of the Council shall be irregular or invalid for any reason, the Council may correct the same at any time within ninety days after the confirmation of the special assessment roll or after final determination of any litigation thereon, whether before or after the completion of the local improvement to which the special assessment applies. If payments of special assessments have been made under the irregular or invalid procedure, such payments shall be credited to payments required under the corrected procedure, or in the alternate, the Council may provide in the code for the payment of refunds.

LIMITATIONS ON SUITS AND ACTIONS

Section 8.5. No special assessment procedure shall be contested by any action at law or in equity, unless commenced within sixty days after the confirmation of the special assessment roll therefor. If no such action be so commenced, the procedure for such local improvement shall be conclusively presumed to have been regular and complete.

LIEN FOR AND COLLECTION OF SPECIAL ASSESSMENTS

Section 8.6.

(a) The city shall have a first lien upon all real property against which special assessments are assessed, and any such lien shall be of the same character, effect, and duration, and shall be enforceable in the same manner as the lien for city taxes.

(b) The Council shall provide procedure in the code for the collection of special assessments and the collection charges, penalties, and interest which shall be added for the delayed or delinquent payment thereof.

RECEIPTS FROM SPECIAL ASSESSMENTS

Section 8.7. Accounts for special assessment rolls shall be created and kept separate from all other city accounts. Moneys collected from special assessments shall be used solely to pay the cost of the improvements to which they apply and to the principal of and interest on indebtedness of the city.

ALL REAL PROPERTY LIABLE FOR SPECIAL ASSESSMENTS

Section 8.8. All real property, including such as is exempt from taxation by law, shall be liable for the cost of local improvements assessed in accordance with this chapter, unless specifically exempted from special assessments by law.

CHAPTER IX

INTERGOVERNMENTAL RELATIONS

AGREEMENTS FOR TRANSFERRING POWERS

Section 9.1. Agreements, including those for cooperative or joint administration of any function or power, may be made by the Council with any local government, with the State, or with the United States unless otherwise provided by law. The Council may transfer to the borough of which the city is a part any city power or function unless prohibited by law. Such transfer shall not take effect for ninety days following approval by the Council. The Council may at any time revoke the transfer.

COOPERATION WITH OTHER GOVERNMENTS

Section 9.2. The city may cooperate with the United States, with the State or its political subdivisions, or with other States and their political subdivisions on matters of common interest. For this purpose the Council may make all necessary appropriations.

CITY REPRESENTATIVES ON BOROUGH ASSEMBLY

Section 9.3. The city shall participate in borough affairs. The Council shall elect from its membership the city's representatives on the Borough Assembly. It shall also elect alternates, any of whom may serve in case of the temporary absence of representatives.

VACANCIES IN OFFICE OF REPRESENTATIVES ON THE ASSEMBLY

Section 9.4. Any vacancy in the office of city representative on

the Assembly shall be filled by the Council within thirty days after such vacancy occurs.

COMPENSATION OF REPRESENTATIVES ON THE ASSEMBLY

Section 9.5. Compensation received by city representatives on the Assembly shall not constitute compensation from the city and shall be retained by such representatives.

CHAPTER X

ELECTIONS

REGULAR CITY ELECTION

Section 10.1. A regular city election shall be held annually on the first Tuesday in October or such other date as the Council may provide in the code. The date of holding regular city elections may not be changed by the Council at any time less than one year prior to the date of the first regular city election affected.

SPECIAL CITY ELECTIONS

Section 10.2. The Council shall provide in the code for the calling of special elections. Not less than twenty days notice shall be given of each special election. The notice shall be published and state the purpose of the election.

QUALIFICATIONS OF ELECTORS

Section 10.3.

(a) To be eligible to vote at any city election, a person shall be registered as an elector of the city. The Council shall prescribe in the code the procedure for the registration of electors by the City Clerk and his authorized representatives. Every resident of the city may register as an elector of the city within the time prescribed in the code if he is, or will be, at the time of the election:

- (1) a citizen of the United States;
- (2) at least nineteen years of age;
- (3) able to speak or read the English language as prescribed by law.

(4) immediately preceding the election, for one year a resident of Alaska and for thirty days a resident of the election district in which the city is located.

(b) Only persons who are registered as electors of the city and whose names appear on the tax rolls of the city shall be entitled to vote on questions of the borrowing of money by the city when the principal and interest on such borrowed money is to be paid by taxes or by special assessments levied against property.

(c) The Council shall provide in the code for absentee voting by registered electors who are infirm or ill and by those who will be out of the city for the entire time that the polls are open on election day.

(d) No person shall be disqualified from voting at a city election merely because of a change of his residence within the city.

(e) The Council shall provide in the code for the purity of elections and the prevention of fraudulent voting.

ELECTION PROCEDURE

Section 10.4.

(a) All elections of city officers shall be nonpartisan. The Council shall provide by ordinance for:

(1) the nonpartisan nomination of candidates for elective city offices.

(2) the printing and custody of ballots;

(3) the appointment and payment of necessary election personnel;

(4) the conduct of city elections;

(5) the counting and canvassing of ballots cast;

(6) the procedure for the recounting of ballots cast in the event a recount is demanded;

(7) the declaration of results of elections;

(8) all other matters necessary for the holding of city elections.

TIE VOTE

Section 10.5. In the event of a tie vote, the Council shall determine the successful candidate by lot. Such determination shall be final.

CHAPTER XI

MUNICIPAL BORROWING

GENERAL AUTHORIZATION TO BORROW MONEY

Section 11.1.

(a) The City shall have the power to borrow money for any public purpose and to issue its evidences of indebtedness therefor. Such evidence of indebtedness shall include, but not be limited to those enumerated in the following three categories:

(1) Bonds for capital improvements authorized by the Council and ratified by a majority of the electors qualified under Section 10.3(b) and who vote thereon, voting at any regular or special election;

(a) General obligation bonds, the principal and interest of which are payable from taxes levied upon the taxable real and personal property in the city, and from any other sources of revenue and for the payment of which the full faith and credit of the city are pledged without limitation as to rate or amount;

(b) Special assessment bonds, which are issued in anticipation of the payment of special assessments, or any combination of two or more special assessments, which bonds shall be both an obligation of the special assessment district or districts and a general obligation of the city;

(c) General obligation bonds which are also secured by the revenue from a revenue-producing utility, such bonds being issued for the acquisition, construction, or improvement of the utility;

(2) Revenue bonds which are secured only by the revenue-producing public utilities and do not constitute a general obligation or debt of the city. Such revenue bonds shall be authorized by the Council and ratified by a majority of the electors qualified under Section 10.3(a);

(3) Those bonds and other obligations which may be authorized by the Council and do not require ratification by the qualified electors of the City;

(a) Revenue or tax anticipation notes which may be issued in anticipation of the collection of any revenues, including

taxes, in or during the current fiscal year of the City, for the purpose of meeting appropriations during the year;

(b) Disaster bonds or notes to be issued in case of fire, flood, wind, explosion, war damage, volcanic action, earthquake, or other calamity for the preservation and rehabilitation of municipal capital improvements, in a sum not to exceed two percent of the assessed value of all the real and personal property in the city, and due in not more than ten years;

(c) Notes for loans from accumulated reserves of the city on a definite plan for the repayment thereof and of interest thereon as provided by the Council;

(b) Bonds or notes on which a vote of the electorate is not required may be authorized by the Council. No such bonds or notes shall be issued, however, until not less than thirty days have passed from the date of Council authorization. The purpose of this section is to provide the electors of the city an opportunity to exercise their right of referendum. Disaster bonds or notes may be issued immediately upon receiving proper authorization by the Council.

(c) Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which it is issued. No officer of the city shall use the proceeds thereof for any other purpose, except that whenever the proceeds of any bond issue or a part thereof remain unexpended and unencumbered for the purpose for which said bond issue was made, the Council shall authorize the use of such unexpended and unencumbered funds only in accordance with the following order or priority:

- (1) for the retirement of such bond issue;
- (2) if such bond issue has been fully retired, then for the retirement of other bonds or obligations of the city;
- (3) for any other public improvement purpose or purposes of a like nature;
- (4) if such funds cannot be used as above permitted, then in any other manner determined by the Council.

(d) No bond or other evidence of indebtedness of the city, regardless of type or purpose, shall bear interest, either directly or indirectly, at a rate exceeding the maximum permitted by law.

(e) All bonds and other evidences of indebtedness of the city shall be signed by the Mayor and countersigned by the Clerk under the seal of the city. Interest coupons shall be executed with the facsimile signature of the Clerk.

(f) A complete and detailed record of all bonds and other evidences of indebtedness shall be kept by an officer designated in the code. Upon the payment of any bond or other evidences of indebtedness, the same shall be marked "Paid", or otherwise cancelled on its face.

LIMITATIONS UPON BORROWING POWER

Section 11.2

(a) The outstanding general obligation indebtedness of the city incurred for all public purposes shall not at any time exceed fifteen percent of the assessed value of all the real and personal property in the city exclusive of present bonded indebtedness of the City for Alaska Public Works projects, completed as of the date of January 1, 1961. The restrictions imposed by law on contracting debt shall not apply to debt incurred through the issuance of revenue bonds when the only security is the revenues of the enterprise, nor to bonded indebtedness to be paid from special assessments on benefited property, nor to refunding indebtedness. In determining the debt limit of the city, there shall be deducted from the amount of the outstanding bonded indebtedness any amounts credited to or on deposit for debt retirement and any portion of reserve funds or accounts pledged to the payment of the principal amount of any outstanding bonded indebtedness. Money may be borrowed for reasons of disaster, as permitted by Section 11.1 (b), beyond the limit imposed by this section, and the Council shall, at the time of the authorization of such indebtedness, provide for the fulfillment of other requirements of law relative to incurring such indebtedness.

(b) Except when delay is caused by litigation, or when a bond issue has been authorized to be issued in two or more parts or series, if any bonds are not sold, the authorization of any unsold bonds may be voided at any time by a Council resolution. If any bonds are not sold within ten years after authorization, such authorization shall be null and void as to the bonds which remain unsold.

CHAPTER XII

CONTRACTS

AUTHORITY OF COUNCIL

Section 12.1.

(a) The power to authorize the making of contracts on behalf of the city is vested in the Council.

(b) All contracts, except as otherwise provided in Section 12.2 hereof, shall be authorized by the Council and shall be signed on behalf of the city by the Mayor and the City Clerk, after having been approved as to form by the City Attorney.

PURCHASE AND SALE OF PERSONAL PROPERTY

Section 12.2. The Council shall establish by ordinance the procedure for the purchase and sale of personal property. Such procedures shall include a provision for centralized purchasing on behalf of the city. The procedures shall also provide the dollar limit within which purchases and sales of personal property may be made without securing competitive bids, and the dollar limit within which purchases may be made without specific Council approval. Such procedures shall also provide for the making of emergency purchases and contracts which shall not be subject to Section 12.3 (c) of this chapter when an emergency exists.

LIMITATIONS ON CONTRACTUAL POWER

Section 12.3.

(a) The Council shall have power to enter only into contracts which, by the terms thereof, will be fully executed within a period of five years. This limitation shall not apply to contracts concerning interests in real property. Any contract, other than a franchise, which will not be fully executed within a period of five years shall first receive the approval of a majority of the qualified electors of the city who vote thereon. This restriction shall not apply to any contract for services with a public utility or with other governmental units, nor to contracts for debt secured by the bonds or notes of the city.

(b) The Council shall provide in the code the procedure whereby the city may purchase, sell, lease, or dispose of real property. No action of the Council to sell, lease or dispose of any city interest in real property shall be final until the resolution to do so has been on file in the office of the City Clerk for thirty days and notice of such filing published concurrently.

~~on the official bulletin board as designated by the Council.~~

(c) Except as authorized by Section 12.2, each contract for the construction of public improvements or for the purchase or sale of personal property shall be let only after opportunity for competitive bidding and after appropriate notice thereof of not less than two weeks. All bids shall be opened in public at the time and place designated in the notice of letting. The Council may reject any or all bids. If, after opportunity for competitive bidding, no bids are received or bids received are not satisfactory to the Council, it may negotiate for a contract in the open market. The Council may waive any and all irregularities.

(d) The Council may approve contracts for engineering, architectural, legal, medical, and other professional services for the city without competitive bidding. Such contracts shall not exceed two years, except for completion of work in progress under architectural or engineering contracts.

BUSINESS DEALINGS WITH CITY

Section 12.4. The Council shall provide in the code the procedure whereby an officer or employee of the city, who intends to have business dealings with the city whereby he may derive income or benefits other than those provided as remuneration for his official duties or the duties of his employment, shall file with the City Clerk a statement, under oath, setting forth the nature of such business dealings and his interest therein, not less than ten days before the date when action may be taken by the Council or by any officer or agency of the city upon the matter involved. Such statement shall be sufficient for continuing transactions of a similar or like nature for ^{one year} ~~one year~~ from the date of its filing.

CHAPTER XIII

PUBLIC UTILITY SERVICES

GENERAL POWERS RESPECTING MUNICIPAL UTILITIES

Section 13.1. The city shall have all the powers not prohibited by law to acquire, own, operate, promote, and regulate public utilities, either within or beyond its corporate limits, and may also sell utility services beyond its corporate limits.

RATES

Section 13.2.

(a) The Council may provide by ordinance for the establishment of utilities and may provide for their regulation, promotion, control, and the fixing of the

rates to be charged, so that each utility will be financially self-sustaining, if possible.

(b) No agreements shall be made for utility services outside of the city which will return to the city less net revenues than it realizes for the same services within the city. Increased rates for utility service outside of the city may be established by the Council.

(c) Transactions pertaining to the ownership and operation of each municipal utility shall be recorded in a separate group of accounts, which shall be classified in accordance with generally accepted accounting practices. An annual report shall be prepared to show the financial position of each city utility and the results of its operation. Such reports shall be available for inspection at the office of the City Clerk.

COLLECTION OF MUNICIPAL UTILITY RATES AND CHARGES

Section 13.3 The Council shall provide in the code for the collection of rates and charges for public utility services furnished by the city. When any person fails or refuses to pay to the city any sums due on utility bills, the service upon which such delinquency exists may be discontinued and suit may be brought for the collection thereof.

DISPOSAL OF MUNICIPAL UTILITY PLANTS AND UTILITY PROPERTY

Section 13.4. The Council may sell, lease, or otherwise dispose of a municipal utility or of property and interest in property used or useful in the operation of a utility only after a proposition to do so is approved by three-fifths of the electors of the city voting on the proposition.

PUBLIC UTILITY FRANCHISES

Section 13.5. The city may grant a franchise to any person for the use of the streets, alleys, bridges, easements, and other public places of the city for the furnishing of any public utility service to the city and its inhabitants. Public utility franchises and renewals, amendments, and extensions thereof shall be granted only by contract. Public utility franchises shall include provisions for fixing rates and charges, and may provide for readjustments thereof at periodic intervals. With respect to any public utility franchise granted after the effective date of this charter, whether or not so provided in the granting contract, the city may:

(1) terminate the same for the violation of any of its provisions, for the misuse or non-use thereof, for failure to comply with any provision thereof, or

any regulation imposed under authority of this charter or of the code;

(2) require proper and reasonable extension of plant and the maintenance thereof at the highest practicable standard of efficiency;

(3) establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates;

(4) require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;

(5) impose other regulations determined by the Council to be conducive to the health, safety, welfare, and convenience of the public;

(6) require the public utility to permit joint use of its property and appurtenances located in the streets, alleys, bridges, easements, and public places by the city and other utilities, insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefor; and, in the absence of agreement, upon application by the public utility, provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor;

(7) require the public utility to pay any part of the cost of improvement or maintenance of streets, alleys, bridges, easements, and public places, that arises from its use thereof, and to protect and save the city harmless from all damages arising from such use; and

(8) require the public utility to file with the City Clerk reports concerning the utility and its financial operation and status and to file with the City Clerk such drawings and maps of the location and nature of its facilities as the Council may request.

LIMITATIONS ON THE GRANTING OF FRANCHISES

Section 13.6 No franchise shall be granted by the city for a term exceeding twenty years and no exclusive franchise shall ever be granted. Each franchise shall include a provision requiring the franchise to take effect within one year after the adoption of the ordinance granting it. An irrevocable franchise and any extensions to or amendments to such a franchise may be granted by the city only upon approval of at least three-fifths of the votes cast with respect to such proposition at a general or special election in the city. Such irrevocable franchise shall be subject to the conditions set forth in Section 13.5. An irrevocable franchise may be approved by the Council for referral to the electorate, only after a public hearing has been held

thereon and after the grantee named therein has filed with City Clerk his unconditional acceptance of all terms of franchise. No special election for such purpose may be ordered by the Council, unless the estimated expense of holding such election has first been paid to the fiscal officer of the city by the grantee. In case a balance remains in the amount paid, after the expenses of the election are deducted therefrom, such balance shall be repaid to the grantee.

PROCEDURE FOR GRANTING FRANCHISES

Section 13.7. All franchises and any renewals, extensions and amendments thereto, shall be granted only by ordinance. Every contract granting a franchise, license, or right to occupy or use streets, alleys, bridges, public places, or easements, shall remain on file with the City Clerk for public inspection, in its final form for at least thirty days before the final approval thereof, or the approval thereof for referral to the electors of the city. In the case of renewals of franchises for terms of ten years or longer, the renewal of said franchise must be approved by a majority of all qualified voters two (2) years before the expiration date of such franchise.

SALE OR ASSIGNMENT OF FRANCHISES *from the grantee of a franchise.*

Section 13.8. The grantee of a franchise may not sell, assign, sublet, or allow another to use the same, unless the Council gives its consent. Nothing in this section shall limit the right of the grantee of any public utility franchise to mortgage his property or franchise, nor shall it restrict the rights of the purchaser, upon foreclosure sale, to operate the same, except that such mortgagee or purchaser shall be subject to the terms of the franchise and provisions of this charter and the code.

PLANS OF FACILITIES IN STREETS AND PUBLIC PLACES

Section 13.9. The Council may require in the code that, as a condition to the placing or installment thereof, each public utility conducting a business in the city shall file with the City Clerk a duplicate copy of layout plans of pipes, conduits, wires, and other facilities and appurtenances which are to be placed on, under, or above the surface of the city's streets, alleys, bridges, easements, and public places.

CHAPTER XIV

REVISION AND AMENDMENT

REVISION OF CHARTER

Section 14.1. This charter may be revised in the manner provided by law.

AMENDMENT OF CHARTER

Section 14.2. This charter may be amended by proceedings commenced by the

vote of five members of the Council or by an initiatory petition.

AMENDMENT OF CHARTER BY COUNCIL ACTION

Section 14.3. When an amendment is proposed by the Council, it shall be submitted at the time of any election to be held in the city not less than sixty days after its proposal by the Council, or at a special election called by the Council for the purpose of voting thereon. Such amendment of the charter shall become effective if approved by a majority of qualified voters voting on the question.

AMENDMENT OF CHARTER BY INITIATORY PETITION

Section 14.4. An initiatory petition for the amendment of this charter shall state the proposed amendment, shall set forth all sections of the charter to be amended thereby in full, shall be signed by the number of electors required for the initiation of code provisions, and shall be filed with the Council. If the petition therefor is proper and in order, the Council shall submit the proposed amendment to the electors of the city at the next regular city election which is to be held after ninety days following the filing of the petition. Amendment of the charter shall become effective if approved by a majority of qualified voters voting on the question.

SCOPE OF AMENDMENTS

Section 14.5 Each proposed amendment of this charter shall be confined to one subject, but need not be limited to a single section. Should a subject embrace more than one related proposition, each proposition shall be separately stated to afford an opportunity for the electors to vote for or against each such proposition.

PUBLICATION OF PROPOSED AMENDMENTS

Section 14.6. Each proposed amendment of this charter shall be published not less than two weeks nor more than four weeks before the election on its ratification.

FILING OF RATIFIED AMENDMENT

Section 14.7. Two copies of each amendment ratified by the electors of the city shall be filed with the Secretary of State, one with the recorder of the district in which the city is located, and one in the archives of the city, and shall thereupon become a part of the organic law of the city, unless a later

effective date is specified by the Council prior to the election on its ratification. Thereafter, the courts shall take judicial notice of the city charter as amended.

SCHEDULE

PURPOSE AND STATUS OF SCHEDULE CHAPTER

Section 1. This schedule chapter is to provide an orderly transition from a city organized and possessing powers delegated to it by statutory law, to a constitutional home rule charter city. It shall constitute a part of this charter only to the extent and for the time required to accomplish that end.

PRIOR LEGISLATION PRESERVED

Section 2. The Code of Ordinances of the Town of Valdez and all resolutions and rules of the Council, to the extent that they are consistent with this charter, shall continue in full force, until repealed or amended. When this charter requires the Council to adopt or provide any code provision, any existing provision which meets such requirement shall suffice.

ELECTION TO ADOPT CHARTER

Section 3.

(a) This charter shall be submitted to a vote of the qualified electors of the Town of Valdez at the city election to be held on the 21st day of February, 19⁶¹, between the hours of 8:00 o'clock a.m. and 8:00 o'clock p.m. All provisions for the submission of the question of adopting this charter at such election shall be made as provided by law and the code.

(b) If a majority of the qualified voters voting on the question is in favor of the adoption of this charter, the Town Clerk shall perform all acts required by law to make this charter effective.

(c) If so adopted, this charter shall take effect and become law at 12:01 o'clock a.m. on the 27th day of February, 19⁶¹.

CITY OFFICERS

Section 4. Each person who is holding an elective or appointive city office on the effective date of this charter shall continue to perform the duties of his office in a manner consistent with this charter, until superseded as in this charter provided, without the requirement of any additional oath or bond. The Mayor elected October 1960 shall become a full-fledged Councilman. Until otherwise provided under authority of this charter, the compensation of each

office shall continue under and be subject to this charter.

COUNCIL TO ORGANIZE FOLLOWING ADOPTION OF CHARTER

Section 5. If this charter is adopted, the Council shall convene in the Council Chambers on the 27th day of February, 1961, at 8:00 o'clock p.m., and shall organize as in this charter provided.

TRANSITION OF GOVERNMENT

Section 6. The Council shall resolve and provide for all matters necessary for the inauguration of the city government under this charter and the transition from the former government of the city.

VESTED RIGHTS AND LIABILITIES

Section 7. No right or liability of the City of Valdez existing on the effective date of this charter shall be affected in any manner by the adoption of this charter.

Agreed upon by the members of the Charter Commission of the Town of Valdez, Alaska, assembled in the Town of Valdez this 3d day of Jan. 1961, in the year of our Lord the One Thousand Nine Hundred and Sixty, and of the admission of the State of Alaska into the Union of the United States of America, the first:

MAX H. WELLS, Chairman

MARVIN BEALS

JACK DE VAULT

ROBERT DITMAN

GEORGE GILSON

WILLIAM GROWDEN

OWEN JOHNSON

FRANCIS KRCH

HELEN ^L. LONG

Marvin Beals

Jack De Vault

Robert Ditman

George Gilson

Owen Johnson

Francis Krch

Helen L Long

ATTEST:

^L
HELEN ^L. LONG, Secretary

The Valdez Charter Commission gratefully acknowledges the capable assistance provided by the following persons in the preparation of this Charter:

Members of the office staff of the Valdez District, Division of Highways, Dept. of Public Works

Members of the staff of the VALDEZ BREEZE

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